

**United States Bankruptcy Court  
Northern District of Ohio  
Eastern Division at Canton**

|                  |   |                   |
|------------------|---|-------------------|
| In re:           | * | Case No. 15-60029 |
|                  | * |                   |
| Brian Walter Ohm | * | Chapter 13        |
|                  | * |                   |
|                  | * | Judge Russ Kendig |
|                  | * |                   |
| Debtors          | * |                   |
|                  | * |                   |

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**MOTION TO AVOID JUDGEMENT LIENS**

Now come the Debtor, Brian Walter Ohm through undersigned Counsel, and requests that the following two judgement liens be avoided in their entirety:

- 1). Judgement Lien #2018JG08576 filed by Donald Miller on November 16, 2018 in the Stark County Clerk of Courts
- 2) Judgement Lien #2015JG08132 filed by Childrens Hospital Medical December 22, 2015.

These two Judgement liens are not being avoiding pursuant to 28USC1334(b) and 11USC 522(f), but instead are being avoided because they violate the automatic stay under 11U.S.C. §362 for the following reason.

This Chapter 13 case was filed on January 8, 2015. These Judgement liens were placed after the Chapter 13 case was filed. Therefore, these Judgement liens should be declared void. 11U.S.C. §362 (a) (4) states that petition filed under the Code shall “operate as a stay, .... of....any act to create, perfect, or enforce any lien against property of the estate.

Wherefore, the Debtor prays the Court declare these liens are voided and unenforceable against the property of the estate.

Respectfully Submitted,

/s/ James F. Hausen  
James F Hausen (0073694)  
Attorney for debtor(s)  
215 E. Waterloo Rd, Suite 17  
Akron, OH 44319  
Telephone: 234-678-0626  
Fax: 234-678-0638

### NOTICE OF MOTION

**The Debtor has filed a Motion in this bankruptcy case.**

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief requested, or if you want the court to consider your views, then on or before March 27, 2020 you or your attorney must:

File with the court a written request for hearing and a written response setting forth the specific grounds for objection at:

Clerk of Courts, Ralph Regula U.S. Courthouse, 401 McKinley Ave SW, Canton, OH 44702

You may also mail a copy to:

Dynele Schinker-Kuharich, Chapter 13 Trustee, 200 Market Ave North, Suite 30, Canton, OH 44702

And the debtor(s) attorney at:

James Hausen, Attorney for Debtor, 215 E. Waterloo Rd, Suite 17, Akron, OH 44319

If you mail your request and response to the court for filing, you must mail it early enough so the court will receive it before the date stated above.

If you or your attorney do not take steps, the court may decide that you do not oppose the modification of plan.

/s/ James F. Hausen  
James F Hausen (0073694)  
Attorney for debtor(s)  
215 E. Waterloo Rd, Suite 17  
Akron, OH 44319

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically transmitted on or about March 13, 2020 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

### **CHAPTER 13 TRUSTEE: DYNELE SCHINKER-KUHARICH**

I further certify that the following received notice by regular U.S. Mail at the specified address on the date first set forth above:

Childrens Hospital Medical Center  
One Perkins Square  
Akron, OH 44308

Donald Miller, Attorney at Law  
1400 N. Market Ave  
Canton, OH 44714

/s/ James F. Hausen  
James F. Hausen, Attorney for Debtor(s)